

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRIAN LOOS,

Plaintiff,

No. 21-10948

v.

Hon. Nancy G. Edmunds

BASF CORPORATION,

Defendant.

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**ORDER DISMISSING PLAINTIFF'S STATE LAW CLAIMS**

Plaintiff Brian Loos filed suit against Defendant BASF Corporation on April 27, 2021. (ECF No. 1.) Plaintiff brings hostile work environment and discrimination claims under the Age Discrimination in Employment Act ("ADEA") and the Michigan Elliot-Larsen Civil Rights Act ("ELCRA"). On May 10, 2021, the Court issued an order giving Plaintiff ten days to properly plead the citizenship of Defendant if he chooses to rely on diversity jurisdiction as the Court's basis to hear his state law claims. (ECF No. 4.) Plaintiff did not respond to the Court's order.

Because the parties in this case appear to be nondiverse, the Court declines to exercise supplemental jurisdiction over Plaintiff's state law claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c)(4); *Moor v. Cty. of Alameda*, 411 U.S. 693, 716 (1973); *Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994); see also *Provenzano v. LCI Holdings, Inc.*, 663 F.3d 806, 818 (6th Cir. 2011) (observing that the causation standard for a discrimination claim under the ADEA is different than that for the same claim under the ELCRA). Therefore, pursuant to § 1367(c), Plaintiff's claims

under ELCRA are hereby DISMISSED WITHOUT PREJUDICE. The Court will retain jurisdiction over Plaintiff's federal claims only.

SO ORDERED.

s/Nancy G. Edmunds  
Nancy G. Edmunds  
United States District Judge

Dated: May 21, 2021

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 21, 2021, by electronic and/or ordinary mail.

s/Lisa Bartlett  
Case Manager